



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

**RULES
OF
GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-7-1
RECOVERY AND ADMINISTRATION OF CHILD SUPPORT**

SYNOPSIS OF PROPOSED RULE CHANGES

The Georgia Department of Human Services, Division of Child Support Services (the “Department”) proposes amendments to Chapter 290-7-1 of the Rules of the Georgia Department of Human Services related to recovery and administration of child support. Proposed amendments affect chapter sections: 290-7-1-.04, 290-7-1-.08, 290-7-1-.13, 290-7-1-.14, and 290-7-1-.15. Adoption of these amendments will assist the Department in providing enforcement services. First, amendments to 290-7-1-.04, 290-7-1-.13, and 290-7-1-.14 are intended to correct errors found within these rules. The proposed amendments do not contain substantive or procedural changes to the processes described within these rules. Secondly, amendments to 290-7-1-.08 will bring the rule in compliance with the correct procedures for the interception of federal and state income tax refunds due to obligors who owe child support arrears. Third, the proposed amendments to 290-7-1-.15 will allow the Department to assist obligors who are have physical custody of their minor children and allow the Department to better collect arrears owed to the previous custodian.

Administrative and procedural changes in 290-7-1-.08 are proposed to ensure that the rule will comport with state law and federal regulations regarding the income tax refund intercept procedure. Three changes are necessary within 290-7-1-.08 in order for the rule to accurately reflect the required procedures. First, there currently exists a

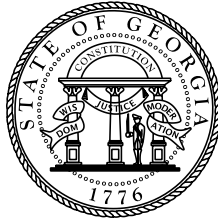


Georgia Department of Human Services

Aging Services | Child Support Services | Family & Children Services

discrepancy between the rule and state law when it comes to the timing of administrative hearings used to contest whether the intercept is proper. The rule will be modified to indicate that an obligor may contest the action by requesting a hearing at the time of the tax intercept. Secondly, the language of the rule will be amended to remove misconceptions that the Department directly certifies eligible cases to the Internal Revenue Service (IRS). Pursuant to federal regulations, the Department certifies cases to the federal Office of Child Support Enforcement (OCSE). OCSE transmits the necessary information to the IRS. The final change to 290-7-1-.08 removes the option of using the tax intercept program when the arrears amount is based solely on an affidavit received from the Obligee claiming the amount of arrears. The Department will need to obtain a further evidence of the arrears amount (such as through a court hearing, or by agreement with the Obligor) prior to certifying the arrears amount for tax interception.

Rule 290-7-1-.14 currently allows the Department to redirect payments of child support to the custodians of the children when the children are no longer in the physical custody of the original child support obligee. For example, if a family member, such as a grandparent, gains custody of the children, the rule allows the Department to transmit any child support payments received to the family member even though the family member was not the original obligee under the relevant child support order. However, the current version of 290-7-1-.14 does not clearly describe how this process should be implemented when the person who takes custody of the children is the obligor. Rather than implement a scenario where the obligor must pay the child support to the Department, and then have the Department redirect the money back to the obligor, the Department is proposing this rule change which would allow the Department to stop taking enforcement actions to collect current support against the obligor. The obligor would instead be able to retain the support for the care of the children in the obligor's



Georgia Department of Human Services

Aging Services | Child Support Services | Family & Children Services

custody. The proposed amendment to the rule describes the type of information needed for the Department to justify taking this action. This rule change would not only allow the Department to better serve the children and their custodians, but it will also enhance the Department's ability to collect arrears that remain to be owed to the prior custodian. Since current support would no longer be enforced against the obligor, any amounts that are collected would be applied to outstanding arrears.

It is not anticipated that the adoption of these rule amendments will impose excessive regulatory cost on any client and it is not foreseeable that any cost to comply with the proposed amendments can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department of Human Services, Division of Child Support Services.